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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,019	07/21/2003	Shinobu Kuriya	09812.0359-00000	5079

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EXAMINER

OKORONKWO, CHINWENDU C

ART UNIT	PAPER NUMBER
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2436

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06/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/624,019	Applicant(s) KURIYA ET AL.	
	Examiner CHINWENDU C. OKORONKWO	Art Unit 2436	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-7, 9-12, 14-16, 18-21, 23-25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 9-12, 14-16, 18-21, 23-25 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to communications filed on 03/31/2009, the Examiner acknowledges the amendments made to the claims and have both considered and applied them to the claims.

Claims 1-3, 5-7, 9-12, 14-16, 18-21, 23-25, and 27 are presented for examination.

1.1 Applicant's arguments with respect to the rejection of the claims have been fully considered but they are not persuasive.

1.2 In response to Applicant argument that the Inoue reference does not teach or suggest "generating, after the client purchases the content, a restoration request file and storing the restoration request file on the information processing apparatus of the client," "wherein transmitting the restoring request includes uploading the restoration request file," the Examiner respectfully disagrees directing the Applicant to the detailed claim rejections below, as the arguments are directed towards newly amended claims which are addressed below with the claim rejections.

This being the only argument made by Applicant – despite it being repeated or applied to each reference used in the rejection – the Examiner submits that the Applicant has not overcome the rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-7, 9-12, 14-16, 18-21, 23-25, and 27 are rejected under 35

U.S.C. 103(a) as being unpatentable over Inoue et al. (US Patent No. 7,103,663 B2), in view of Ginter et al. (US Patent No. 5,917,912) and further in view of Spagna et al. (US Patent No. 7,110,984 B1).

Regarding claims 1, 6, 10, 15, 19 and 24, Inoue et al., discloses a information processing apparatus and license server for issuing, to a client, a usage right to permit the use of content and for controlling the decryption and use of encrypted content corresponding to the usage right, said information processing apparatus comprising:

- generating/and or means for generating, after the client purchases the content, a restoration request file and storing the restoration request file on the information processing apparatus of the client (5:49-54 – “license ticket, which is issued in response to the license ticket issuance request from the user who purchases the content” and 7:4-6 – “generating the

license on which the usage (restoration request) duration or usage number in this request and the content key received from the content distribution server 130 are written");

- storing /and or means for storing usage right identifying information (1:67 – 2:2 – “storage unit operable to store license information indicating a usage rule of a content for each terminal device or user”), the usage right identifying information identifying a usage right corresponding to the content the (2:6-7 – “usage restriction information indicating details of the restriction”), the usage right being initially issued to the information processing apparatus by a license server (5:42-44 – “right management server issues a license ticket that is information for allowing a user to use a content in response to a license ticket issuance request from the user”);
- transmitting and/or means for transmitting, to the license server, a usage-right request including the reissued usage-right identifying information (5:55-61 “license ticket issuance request is a command for requesting issuance of the license ticket, and usually includes an ID of a content which the user of the terminal wants to reproduce, and his desired usage rule indicating how long or how many times the user wants to use the content” and 6:8-10 and 6:40-46 – “content usage right database roughly stores right information and a content key”);
- receiving/and or means for receiving a response to the restoring request including reissued usage-right identifying information corresponding to the

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one usage right (5:49-54 – “license ticket, which is issued in response to the license ticket issuance request from the user who purchases the content”);

- receiving/and or means for receiving the usage right corresponding to the content from the license server (6:52-56 – “the license ticket generation unit 117 notifies the parental control information management unit 118 of the terminal ID appended to the license ticket issuance request made by the terminal, and has it search the parental control information database 114 using that terminal ID as a key”); and
- wherein the restoring request includes uploading the restoration request file (7:7-9 – “the license ticket generation unit 117 appends the terminal ID indicating where the license ticket should be sent and sends it via the communication unit 119”)

Inoue is silent in disclosing a restoring request to restore the usage rights identifying information using backup data, the restoring request including client identifying information for identifying the information processing apparatus, however Ginter et al. does provide such a disclosure in the recitation, “backup storage 668 and storage media 670 may be used to store backed up information. Of course, any non-volatile media (e.g. one or more floppy diskettes, a writable optical diskette, a hard drive, or the like) may be used for backup storage 668 (165:18-22).”

It would have been obvious for one of ordinary skill in the art, at the time of the invention to have been motivated to combine the inventions of Inoue et al. with that of Ginter et al. and Ginter et al. provides motivation for this combination in the recitation, "secure database 610 in the preferred embodiments backed up at periodic or other time intervals to protect the information the secure database contains. This secure database information may be of substantial value to many VDE participants. Back ups of secure database 610 should occur without significant inconvenience to the user, and should not breach any security (165:6-16)."

Inoue et al.- Ginter et al. are silent in disclosing a hash value calculated based on a first encryption key specific to the information processing apparatus, however Spagna et al. does provide disclosure in the recitation, "hash code of all of the other information signed using the private key of the Clearinghouse(s) 105 (45:13-26)" and "a comparison is made of the hash from the new Transaction SC(s) received during the end users request for an additional license is received on the End User Device(s) 109 (96:32-36)."

It would have been obvious for one of ordinary skill in the art, at the time of the invention to have been motivated to combine the inventions of Inoue et al. and Ginter et al. with that of Spagna et al. as these inventions are all directed towards the subject matter of license management. It would have been beneficial to combine the two as this added feature of including a hash value with the request allows for the determination of whether duplicate copies of content is being requested and can be prevented (96:36-44).

Regarding claims 2, 11, 20 and 25, Inoue et al., discloses a information processing apparatus wherein the response to the restoring request includes content identifying information for identifying the content corresponding to the usage right (7:65 – 8:6 – “The parental control information management unit 118 reads out the usage restrictions which are present for the user ... terminal 150 among the parental control information in the parental control information database 114 based on the terminal ID of the ... terminal 150 and the right information ID passed by the license ticket generation unit 117, and passes the read-out usage restrictions to the license ticket generation unit”); means for transmitting, to said license server, a usage-right request including the usage-right identifying information (8:24-38 – “the content distribution request is a command from the terminals in each home ... to request the content distribution server 130 to distribute a content desired by the user, and includes mainly an ID

or an Internet address of the terminal which makes the request and an ID of the requested content”); and means for receiving the content, the content being transmitted from the content server in response to the content request (column 8 lines 34-38 – [Distribution unit] reads out the content requested by the parental terminal 140 and the child terminal 150 from the content database 131, and distributes it to the parental terminal 140 or the child terminal 150 via the communication network 160 such as the Internet”).

Regarding claims 3, 7, 12, 16 and 21, Inoue et al., discloses a information processing apparatus wherein the usage right includes the client identifying information and a signature, and the client identifying information identifies the information processing apparatus or a user, of the information processing apparatus permitted to use the content corresponding to the usage right (6:3-15 – “the user database 111 stores personal information of a user per user” and “the content usage right database 113 roughly stores right information and a content key”).

Regarding claims 5, 9, 14, 18, 23 and 27, Inoue et al., discloses a information processing apparatus according to claim 1, wherein: the response to the restoring request includes a transaction ID for identifying a restoring transaction (36:48-51 – “request ID”); the information processing apparatus further comprises: means for transmitting, to said license server, a registering request

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including the transaction ID (36:64 – 37:2); and means for receiving registering information including a second encryption key required for decrypting the content, the registering information being transmitted from said license server in response to the registering request; and wherein the usage-right request includes the transaction ID (8:17 lines 22 which recites, “content distribution server `130 is a computer system such as a broadcasting station or a Web site on the Internet, which encrypts a content received from a content producing company to store it and **sends an encryption key** (first key) to the right management server 110, and distributes the encrypted content in response to a user's content distribution request” and 5:48-55 – “license ticket, which is issued in response to the license ticket issuance request from the user who purchases the content, is the information including mainly a content key (second key) for decrypting the content”).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHINWENDU C. OKORONKWO whose telephone number is (571)272-2662. The examiner can normally be reached on MWF 2:30 - 6:00, TR 9:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571) 272 4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. C. O./
Examiner, Art Unit 2436

/Nasser G Moazzami/
Supervisory Patent Examiner, Art

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